

REMARKS

By this amendment, claims 2 and 9 have been canceled. Claims 1, 3, 6-8, 15 and 17 have been amended. Claims 1, 3-8 and 10-18 remain in the application. This application has been carefully considered in connection with the Examiner's Action. Reconsideration and allowance of the application, as amended, is respectfully requested.

Objection to the Specification

The disclosure was objected to because the specification fails to include section headings. Applicants respectfully decline to add the headings, as they are not required in accordance with MPEP §608.01(a). Accordingly, the objection to the specification is now believed overcome.

Objection to the Claims

Claims 1, 8, 15 and 17 were objected to because of informalities. Applicants acknowledge the informalities and in response have amended each of claims 1, 8, 15 and 17 to include definitions for the acronyms "UDDI" and "CE" at the first occurrence of the respective acronyms within each claim. Accordingly, the objection to the claims is now believed overcome.

Rejection under 35 U.S.C. § 102

Claim 1

Claim 1 recites a method for automatically discovering web services comprising:
querying a known Universal Description Discovery and Integration (UDDI) server address periodically, without user intervention, by a networked lightweight embedded Consumer Electronics (CE) device via a structured UDDI query, wherein the structured UDDI query includes the use of a unique identity indicative that a web service is technically compliant with a particular web service

standard interface which is supported and understood by the networked lightweight embedded CE device, the known UDDI server at the UDDI server address containing a list of web services, and further wherein the list of web services includes one or more service types of distinct web services new to and previously unknown by the networked lightweight embedded CE device (a) that are technically compliant with the particular web service standard interface and (b) which can be used by the networked lightweight embedded CE device to implement at least one of b(i) providing data to the networked lightweight embedded CE device and b(ii) enhancing a functionality of the networked lightweight embedded CE device;

identifying from said list in response to the structured UDDI query the technically compliant distinct web services of one or more service types new to and previously unknown by the networked lightweight embedded CE device, wherein the identifying is performed at the UDDI server; and

automatically downloading via a structured response from the UDDI server to the networked lightweight embedded CE device at least one machine readable description of a distinct web service from the list of identified technically compliant web services of one or more service types new to and previously unknown by the networked lightweight embedded CE device, wherein the at least one machine readable description enables the networked lightweight embedded CE device to offer a greater choice of web services to a device user.

Support for the amendments to claim 1 (similarly, for claims 8, 15 and 17), can be found in the specification on *at least* page 3, lines 20-21 and 29-30 (*periodically, without user intervention*); page 3, line 14 (*embedded*); page 4, line 2-3 (*technical compliance*); page 7, lines 1-4 (*depending on service type ... the [CE] device can target its [web] service discovery*); page 3, lines 21 and 28-32 (*new services ... as they become available after the user bought the device*); page 5, lines 2-4 (*newfound [distinct] web services ... set*

up after the receiver was sold); page 5, lines 14-15 and page 6, lines 1-2 (the [UDDI] server can respond ... with a response comprising a list of [distinct] web services ... the UDDI node ... uses this unique identity to find [technically] compliant [distinct web] services); and page 3, lines 30-31 (the [CE] device is able to offer the user a greater choice of [web] services as [the web services] become available after the user bought the device).

Claims 1-3, 6-10, and 13-14 were rejected under 35 U.S.C. § 102(e) as being anticipated by **Brown et al.** (US 2003/0110242). With respect to claims 2 and 9, the same have been canceled herein, thus rendering the rejection thereof moot. With respect to claim 1, Applicants respectfully traverse this rejection for at least the following reasons.

The PTO provides in MPEP § 2131 that

"[t]o anticipate a claim, the reference must teach every element of the claim...."

Therefore, with respect to claim 1, to sustain this rejection the **Brown et al.** reference must contain all of the above claimed elements of the respective claims. However, contrary to the examiner's position that all elements are disclosed in the **Brown et al.** reference, the latter reference does not specifically disclose a " ... list of web services includes *one or more service types* of distinct web services *new to and previously unknown by the networked lightweight embedded CE device* (a) that are technically compliant with the particular web service standard interface [which is supported and understood by the networked lightweight embedded CE device] and (b) which can be used by the networked lightweight embedded CE device to implement at least one of b(i) providing data to the networked lightweight embedded CE device and b(ii) enhancing a functionality of the networked lightweight embedded CE device ... " as is claimed in claim 1.

In addition, "lightweight embedded CE devices" is defined in the specification, on page 2, lines 10-11, as devices that will "not be able to use any of the above three solutions" (i.e., (i) a user driven method for finding new web services (page 1, lines 23-24), (ii) use a search engine to find suitable web services (page 1, lines 28-32), and (iii) have its software or data cache upgraded over the network (page 2, lines 1-6)). In addition, the claimed embodiments define a mechanism by which the lightweight CE devices can use UDDI to discover new web services (page 7, lines 5-8), and which considers the specific needs of the lightweight CE devices.

In contrast, while the method of **Brown et al.** teaches dynamic reconfiguration of web services infrastructure which provides a Web service container software construct for managing Web services at a network node and an adaptive model for the dynamic configuration of a plurality of Web service containers distributed throughout a network ... in a software and hardware *platform-independent* manner, **Brown et al.** does not teach or suggest a "... *list of web services includes one or more service types of distinct web services new to and previously unknown by the networked lightweight embedded CE device (a) that are technically compliant with the particular web service standard interface [which is supported and understood by the networked lightweight embedded CE device] and (b) which can be used by the networked lightweight embedded CE device to implement at least one of b(i) providing data to the networked lightweight embedded CE device and b(ii) enhancing a functionality of the networked lightweight embedded CE device ...*" as is claimed in claim 1 of the present application. In addition, **Brown et al.** discloses at paragraph [0078], lines 13-15 that the "Web application server container 236 has available to it several *implementations* of the currency conversion *Web service software for various platforms*" (Emphasis added). It is respectfully submitted that several implementations of a single Web service for various platforms does not teach a "list of web services" that "includes *one or more service types of distinct web services*" as recited in claim 1 of the present application.

Therefore, the rejection is not supported by the **Brown et al.** reference and should be withdrawn. Accordingly, claim 1 is allowable and an early formal notice thereof is requested. Dependent claims 3 and 6-7 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

By this amendment, claim 8 has been amended in a similar manner with respect to the amendments to claim 1. Claim 8 is believed allowable over the **Brown et al.** reference for reasons similar as stated herein above with respect to overcoming the rejection of claim 1. Accordingly, claim 8 is believed allowable and the rejection thereof should be withdrawn. Dependent claims 10 and 13-14 depend from and further limit allowable independent claim 8 and therefore are allowable as well.

Rejection under 35 U.S.C. § 103

Claims 4, 5, 11 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Brown et al.** as applied respectively to claims 3 and 10 above, and further in view of **Qian** (US 2003/0061206).

With respect to claims 4-5, Applicant respectfully traverses this rejection for at least the following reason. Dependent claims 4-5 depend from and further limit allowable independent claim 1 and therefore are allowable as well.

With respect to claims 11-12, Applicant respectfully traverses this rejection for at least the following reason. Dependent claims 11-12 depend from and further limit allowable independent claim 8 and therefore are allowable as well.

Claims 15-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over **Brown et al.** in view of **Qian** (US 2003/0061206).

Claim 15

Claim 15 recites a method for automatically discovering TV Anytime web services comprising:

querying a known Universal Description Discovery and Integration (UDDI) server address by a networked lightweight embedded Consumer Electronics (CE) device via a structured UDDI query, wherein the structured UDDI query includes the use of a unique identity indicative that a web service is technically compliant with a particular web service standard interface which is supported and understood by the networked lightweight embedded CE device, the known UDDI server at the UDDI server address containing a list of web services, and further wherein the list of web services includes one or more service types of distinct web services new to and previously unknown by the networked lightweight embedded CE device (a) that are technically compliant with the particular web service standard interface and (b) which can be used by the networked lightweight embedded CE device to implement at least one of b(i) providing data to the networked lightweight embedded CE device and b(i) enhancing a functionality of the networked lightweight embedded CE device;

identifying from said list in response to the structured UDDI query the technically compliant distinct web services of one or more service types new to and previously unknown by the networked lightweight embedded CE device, wherein the identifying is performed at the UDDI server; and

automatically downloading via a structured response from the UDDI server to the networked lightweight embedded CE device at least one machine readable description of a distinct web service from the list of identified technically compliant web services of one or more service types new to and previously unknown by the networked lightweight embedded CE device, wherein the at least one machine readable description enables the networked lightweight embedded

CE device to offer a greater choice of web services to a device user, wherein further said querying comprises transmitting the structured query in a predefined format, and said structured query further including an element specifying a set of taxonomies to which said identified compliant web service must conform.

With respect to claim 15, Applicant traverses this rejection on the grounds that these references are defective in establishing a prima facie case of obviousness.

As the PTO recognizes in MPEP § 2142:

... The examiner bears the initial burden of factually supporting any prima facie conclusion of obviousness. If the examiner does not produce a prima facie case, the applicant is under no obligation to submit evidence of nonobviousness...

It is submitted that, in the present case, a prima facie case of obviousness has not been factually supported for the at least the following reason.

Even When Combined, the References Do Not Teach the Claimed Subject Matter

The **Brown et al.** and **Qian** references cannot be applied to reject claim 15 under 35 U.S.C. § 103 which provides that:

A patent may not be obtained ... if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains ... (Emphasis added)

Thus, when evaluating a claim for determining obviousness, all limitations of the claim must be evaluated. Neither **Brown et al.** nor **Qian** teaches a " ... list of web services includes *one or more service types* of distinct web services *new to and previously unknown by the networked lightweight embedded CE device* (a) that are technically compliant with the particular web service standard interface [which is supported and understood by the networked lightweight embedded CE device] and (b)

which can be used by the networked lightweight embedded CE device to implement at least one of b(i) providing data to the networked lightweight embedded CE device and b(ii) enhancing a functionality of the networked lightweight embedded CE device ... " as is claimed in claim 15.

Therefore, it is impossible to render the subject matter of claim 15 as a whole obvious, and the explicit terms of the statute cannot be met. The rejection under 35 U.S.C. §103 should be withdrawn. Accordingly, claim 15 is allowable and an early formal notice thereof is requested.

Dependent claim 16 depends from and further limits allowable independent claim 15 and therefore is allowable as well.

By this amendment, claim 17 has been amended in a similar manner with respect to the amendments to claim 15. Claim 17 is believed allowable over the **Brown et al.** and **Qian** references for reasons similar as stated herein above with respect to overcoming the rejection of claim 15. Accordingly, claim 17 is believed allowable and the rejection thereof should be withdrawn.

Dependent claim 18 depends from and further limits allowable independent claim 17 and therefore is allowable as well.

Conclusion

Except as indicated herein, the claims were not amended in order to address issues of patentability and Applicants respectfully reserve all rights they may have under the Doctrine of Equivalents. Applicants furthermore reserve their right to reintroduce

subject matter deleted herein at a later time during the prosecution of this application or a continuation application.

It is clear from all of the foregoing that independent claims 1, 8, 15 and 17 are in condition for allowance. Dependent claims 3-7 depend from and further limit independent claim 1, and therefore are allowable as well. Dependent claims 10-14 depend from and further limit independent claim 8, and therefore are allowable as well. Dependent claim 16 depends from and further limits independent claim 15, and therefore is allowable as well. In addition, dependent claim 18 depends from and further limits independent claim 17, and therefore is allowable as well. The amendments herein are fully supported by the original specification and drawings as discussed herein; therefore, no new matter is introduced.

Issuance of an early formal notice of allowance of claims 1, 3-8 and 10-18 is respectfully requested.

Respectfully submitted,



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